

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL A. LOPEZ, SR.,)
Plaintiff,) Civil Action No. 10 - 1461
v.) District Judge Arthur J. Schwab
WARDEN J. BARRY JOHNSON;)
BERNARD McQUILLAN, M.D.; and)
DUSTIN BOWERS, P.A.)
Defendants.

MEMORANDUM ORDER

The above captioned case was initiated by the filing of a Motion to Proceed *In Forma Pauperis* (ECF No. 1) on October 25, 2010, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on August 11, 2011 (ECF No. 54) recommending that the Complaint be dismissed for failure to prosecute. Plaintiff was served with the Report and Recommendation at the address he provided to the Court and was advised that he had until August 29, 2011 to file written objections to the Report and Recommendation. No objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 31st day of August, 2011;

IT IS HEREBY ORDERED that the Complaint is **DISMISSED** for failure to prosecute.

IT IS FURTHER ORDERED that Defendants' Motion for Summary Judgment (ECF No. 46) is **DENIED** as moot.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 54) is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

s/ Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: Daniel A. Lopez, FR - 6965
SCI Pine Grove
191 Fyock Road
Indiana, PA 15701